

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

CONSERVATOR ON BEHALF OF  
STUDENT,

v.

FREMONT UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2012070075

ORDER DENYING REQUEST TO  
VACATE DATES AND SET STATUS  
CONFERENCE

On October 11, 2012, Eileen Matteucci, attorney for Student, informed the Office of Administrative Hearings (OAH) that the parties previously executed settlement agreement had been approved by the Board of Trustees (Board) of the Fremont Unified School District (District). Based upon that approval, the parties requested that OAH vacate the currently pending prehearing conference (PHC) and due process hearing dates, and set a status conference in December 2012, because the parties needed time to obtain approval of the settlement agreement by the Alameda County Superior Court (Superior Court).

OAH maintains jurisdiction over matters after the execution of a settlement if the settlement agreement requires approval by a school district's board of trustees. In this matter, District and Student have reached a final agreement which has been approved by the Board. There is no evidence that OAH is a party to any action before the Superior Court. Accordingly, nothing in the record establishes OAH's ongoing jurisdiction over this matter.

The parties' request to vacate dates and set a status conference is denied. The parties shall appear at the currently scheduled PHC on October 15, 2012. At that time the parties shall be prepared to present argument as to why they believe OAH has further jurisdiction over this matter. The parties may submit any documents they believe are relevant to the issue of ongoing jurisdiction by OAH prior to the PHC. All dates shall remain as calendared.

IT IS SO ORDERED.

Dated: October 12, 2012

/s/

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BOB N. VARMA  
Presiding Administrative Law Judge  
Office of Administrative Hearings